

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

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| J. MICHAEL CHARLES; MAURICE W. WARD, JR.; and JOSEPH I. FINK, JR., on behalf of themselves and all others similarly situated | : | |
| | : | |
| | : | CIVIL ACTION |
| Plaintiffs, | : | |
| | : | |
| v. | : | NO. 05-702 (SLR) |
| | : | |
| PEPCO HOLDINGS, INC.; CONECTIV, and PEPCO HOLDINGS RETIREMENT PLAN, | : | |
| | : | |
| Defendants | : | |
| | : | |

ORDER

At Wilmington this _____ day of _____, 2006, consistent
with the memorandum opinion issued this same date;

IT IS ORDERED that the Court's Order dated June 12, 2006, is vacated; and

IT IS FURTHER ORDERED that that portion of the defendants' motion to
dismiss the complaint (D.I. 11) that seeks dismissal on statute-of-limitations grounds is denied
on the basis that there is insufficient evidence in the record at this time to conclude that
Plaintiffs' claims are barred by the applicable statute of limitations, and that the remaining
grounds set forth in such motion to dismiss will be addressed in an order that will be issued in
the future.

United States District Judge